

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PATRICIA BURKE,

Plaintiff,

v.

JAMES MATTIS,

Defendant.

1:16-cv-1256 GBL/JFA

PLAINTIFF'S EXHIBIT LIST

Pursuant to this Court's order of February 15, 2017, Plaintiff Patricia Burke, by counsel, hereby respectfully submits the following list of potential exhibits for the trial of the above-captioned matter. Plaintiff reserves the right to elect not to introduce any of these exhibits at trial, and to re-arrange the numbering sequence prior to trial.

EXHIBITS

The following list excludes evidence Plaintiff might introduce as impeachment evidence. The exhibit list below reflects the current status of Plaintiff's ongoing trial preparation efforts. Accordingly, Plaintiff reserves the right to amend this list—including eliminating proposed exhibits—should further developments warrant.

Exhibits Plaintiff Expects to Introduce

- I. All Documents Provided to Liza Gold, M.D.

2. August 4, 2015 Email From Nelson Bishop To Patricia Burke With Subject "Requested Info"
3. August 15, 2013 Email From Carolyn Lyle To Michelle Benitez With Subject "New Case"
4. August 16, 2013 email from Patricia Burke to Michelle Benitez with Subject "Guidance"
5. August 23, 2013 Meeting Notes from Meeting with Frank Malafarina by Michelle Benitez
6. August 27, 2013 Email From Frank Malafarina To Carolyn Lyle With Subject "Follow Up"
7. August 29, 2013 Email From Patricia Burke To Michelle Benitez With The Subject "Question"
8. Calendar Entry For August 30, 2013 Meeting With Subject "Eeo Mediation"
9. Carl Taylor's April 30, 2014 Declaration Under Penalty of Perjury
10. Carla Cobbs's April 24, 2014 Declaration Under Penalty of Perjury
11. Carolyn Lyle's May 2, 2014 Declaration Under Penalty Of Perjury
12. Curriculum Vitae of Liza Gold, M.D.
13. David Bauer's April 30, 2014 Declaration Under Penalty of Perjury

14. December 8, 2014 Email From Carl Taylor To Nelson Bishop With Subject "Work Assignments For Trisha Burke"
15. December 9, 2014 Email From Carl Taylor To Nelson Bishop With Subject "Work Assignments For Trisha Burke"
16. December 10, 2014 Email From Carolyn Lyle To Patricia Burke With Subject "Meeting Follow-Up"
17. December 11, 2013 Meeting Notes by Carolyn Lyle for Meeting with Jessica Horvath
18. DEOMI SURVEY DEBRIEF Powerpoint Slides
19. February 14, 2014 email From Carl Taylor to William Stephens With Subject "I am going in--are you two going in? And, this is not an effort to make you go."
20. February 20, 2014 Memorandum with Subject "Work Schedule Request - February 19, 2014"
21. February 21, 2014 Memo for Record by Frank Malafarina
22. February 24, 2014 Memorandum with Subject beginning "Letter of Counseling..." and showing all markups
23. February 2012 Floor Plan of the Russel-Knox Building, Level 01
24. Final Agency Decision
25. Frank Malafarina's May 2, 2014 Declaration Under Penalty of Perjury

26. Frank Malafarina's May 20, 2016 Declaration Under Penalty of Perjury
27. January 5, 2016 Declaration of Carolyn Lyle
28. January 6, 2014 Email (with attachment) From Mark Allen To Michael Buckley
With Subject "Compressed Work Schedule Form" and with attachment
DSS_Form_280.pdf
29. January 6, 2014 Email From Michael Buckley To Mark Allen With The Subject
"Compressed Work Schedule Form"
30. January 17, 2014 Signed Staff Summary Sheet
31. January 25, 2014 email from Patricia Burke to Carl Taylor with subject "Undelivered Mail Returned to Sender"
32. January 30, 2014 Email From Patricia Burke to Michelle Benitez with Subject
"Monday 27 Jan 2014"
33. January 31, 2014 Email From Frank Malafarina to William Stephens with Subject
"Duty Station"
34. January 31, 2014 email from Frank Malafarina to William Stephens with Subject
"EEO Investigation for DSS Case 13-013"
35. Jennifer Gabeler's March 30, 2015 Declaration Under Penalty Of Perjury
36. Jennifer Gabeler's May 6, 2014 Declaration Under Penalty Of Perjury
37. Jessica Horvath's April 24, 2014 Declaration Under Penalty of Perjury

38. March 30, 2011 email from Nelson Bishop to Stephanie Greene with Subject "Training and Projects."
39. May 5, 2016 email from Patricia Burke to Tonya Pollard with Subject "Burke Documents."
40. May 13, 2013 Signed Staff Summary Sheet
41. May 13, 2016 email from Michael Buckley to Tonya Pollard with Subject "Formal EEO Investigation, Complaint of Patricia Burke (Agency Number DSS-13-013)"
42. May 15, 2017 Report of Liza Gold
43. May 20, 2015 email from James Fulmer to Patricia Burke
44. May 20, 2016 email from Patricia Burke to Tonya Pollard with Subject "Statement"
45. May 27, 2016 Supplemental Report of Investigation, With Cover
46. May 28, 2013 Notice of Proposed Furlough
47. May 29, 2014 Report of Investigation
48. Michael Buckley's May 10, 2016 Declaration Under Penalty of Perjury
49. Nelson Bishop's April 25, 2014 Declaration under penalty of perjury
50. Nelson Bishop's May 9, 2016 Declaration Under Penalty of Perjury
51. Notes of Jessica Horvath

52. November 6, 2013 email from Carl Taylor to Nelson Bishop with Subject "Work-station Re-location - Patricia Burke
53. November 9, 2015 email from Nelson Bishop to Patricia Burke with Subject "Closeout"
54. November 25, 2014 Email From Carl Taylor To Patricia Burke With Subject "Work Assignments For Trisha Burke"
55. Patricia Burke's 2012 Performance Evaluation of Record
56. Patricia Purdy (Burke)'s 2011 Performance Evaluation of Record
57. September 3, 2013 Email From Carolyn Lyle To Frank Malafarina And Patricia Burke With Subject "typos corrected" and attachment "Summary Of Crucial Conversation Meeting PB and FM (Autosaved)".docx
58. September 3, 2013 email from Patricia Burke to Frank Malafarina with subject "Flexible Work Schedule" and attachment "DSS_Form_280.pdf"
59. September 4, 2013 email from Elizabeth Blackmon to Frank Malafarina with Subject "Flexible Work Schedule"
60. September 5, 2013 email from Carolyn Lyle to Michelle Benitex with subject "Meeting"

61. September 5, 2013 email From Patricia Burke to Carolyn Lyle with Subject "Comments" and Attachment "Summary of Crucial Conversation Meeting PB and FM (Autosaved).docx"
62. September 5, 2013 Email From Patricia Burke To Carolyn Lyle With Subject "Suggested Edits To The Summary" And Attachment "Suggested Edits.docx"
63. September 6, 2013 Email From Carolyn Lyle To Rebecca Allen With The Subject "EEO Matter Update"
64. September 19, 2012 Email From William Stephens to Carl Taylor with Subject "gotta question"
65. September 19, 2013 Email From Frank Malafarina to William Stephens with Subject "DSS 280"
66. September 25, 2013 Meeting Notes of Meeting with Carl Taylor, by Michelle Benitez
67. September 27, 2013 email from Frank Malafarina to Carolyn Lyle With Subject "Suggested edits and additions to the Mediation Summary"
68. September 27, 2013 email from William Stephens to Frank Malafarina with Subject "Suggested edits and additions to the Mediation Summary"
69. William Stephens's March 26, 2015 Declaration Under Penalty of Perjury

Dated: July 13, 2017

Respectfully Submitted,

/s

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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2017, I electronically filed the foregoing PLAIN-TIFF'S EXHIBIT LIST with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to the following attorney of record:

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